

**REMARKS**

Claims 1, 4, 6-12 and 14-18 are pending. Claims 3, 13 and 19 have been canceled (and the limitations thereof incorporated into amended Claims 1, 11 and 18, respectively). Claims 1, 11 and 18 are independent claims and have been amended herein.

In the final Office Action dated October 28, 2003, Claims 1, 3-4 and 6-19 were rejected under Section 103(a) as being unpatentable over Shen. Applicant again respectfully traverses the outstanding rejection and submits that each of independent Claims 1, 11 and 18, as amended herein, is patentable over Shen. Reconsideration is requested.

Independent Claim 1, as amended herein, is directed to a method for providing enhanced dial-up capabilities to a network connection including the steps of establishing an audio connection between a telephone and a centrally located dial server, processing information conveyed by the audio connection to the dial server to obtain a telephone number, forwarding the telephone number from the centrally located dial server to a local gateway that has a connection to a network, wherein the audio connection between the telephone and the centrally located dial server is formed across the local gateway, and further wherein the connection between the telephone and the dial server is established using media gateway control protocol, and passing the telephone number from the local gateway to a call agent.

Shen is directed to a “computer-implemented method and system for a telephony server to provide services based upon a call from a user”. The telephony server of Shen, “32”, “retrieves a voice application over a computer network from a remote website and uses it to have a speech-based conversation with the user”.

Again, as specifically admitted in the final Office Action, “Shen et al. differ from claim 1 in that he fails to disclose that the gateway is local”. The telephony server 32 of Shen is very clearly defined to be a centrally located server with which a user communicates over a telephone communication device. The server can then “select to route the call...through a PSTN connection...and/or Internet channel” (para [0017]).

The final Action alleges that since Shen discloses selecting “whether to route the call via the Internet or via the PSTN based on the cost of the call....[and]...local PSTN calls are free (low cost)...it would have been obvious...to make the gateway local to achieve the advantage of reducing the cost of making calls”.

Again, Applicant respectfully submits that this rejection relies upon impermissible hindsight, based on Applicant’s very own teachings, to arrive at the proposed rejection based on Shen, which does not in any way teach or suggest establishing an audio connection between a telephone and a centrally located dial server, ....and forwarding the telephone number from the centrally located dial server to a local gateway that has a connection to a network.

However, in order to even further define over Shen, each of the amended independent claims now recites the additional distinguishing limitation of ‘passing the telephone number (retrieved by the local gateway from the centralized dial server) to a call agent’.

Applicant’s recited “forwarding a telephone number from the centrally located dial server to the local gateway” is alleged in the final Action to be taught by Shen in “figure 1, # 60”, the Action alleging that “the gateway is embodied by the telephone network interface cards” (again, Shen Fig. 1, #60), as to dependent Claim 3 (the element thereof now recited in amended independent Claim 1) “Shen et al. disclose the step of passing the telephone number from the gateway to a call agent (URL Administrator, see paragraph 0025, lines 1-3)”.

First, Applicant again respectfully submits that Shen provides absolutely no teaching or suggestion of a method or apparatus for providing enhanced dial-up capabilities to a network connection that includes a centrally located dial server and a local gateway – such that a telephone number obtained by the *centralized* dial server is first provided to a *local* gateway, and is then passed from the *local* gateway to the call agent.

Shen merely notes that the “telephony server 32” (which, again, the Action relies upon as teaching all of the recited elements) “utilizes a telephone network interface card 60 to handle the interface with incoming calls”. As for the section of Shen that allegedly teaches “passing the telephone number (that has been retrieved by the *local* gateway, from the *centralized* dial server) to the call agent”, paragraph 0025 recites “a uniform resource locator (URL) administrator 70 associates a telephone number with an Internet location (e.g., via a URL)”.

Applicant submits that the use of the method/apparatus recited in each of Applicant’s claims, enables the resulting telephone number to be sent from a centralized dial server to a local gateway, which then sends the telephone number to the call agent. The call agent therefore does not need to be modified in any manner.

For each of the foregoing reasons, Applicant respectfully submits that Shen fails to teach or suggest the method and apparatus recited in amended independent Claims 1, 11 and 18, and favorable reconsideration is requested.

Dependent Claims 4, 6-10, 12 and 14-17 are also believed patentable over Shen for the same reasons as submitted above with respect to independent Claims 1 and 11, one or the other from which they depend and as reciting additional distinguishing limitations.

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It is respectfully submitted that in regard to the above remarks that the remaining pending claims are patentable over the art of record. Should the Examiner be of the view that an interview would expedite consideration of this Preliminary Amendment, or of the application at large, request is made that the Examiner telephone the Applicant's undersigned attorney at (908) 518-7700 in order that any outstanding issues be resolved.

Respectfully submitted,

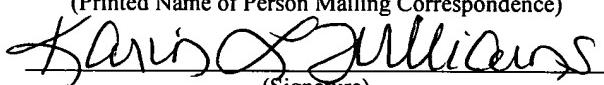
  
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